

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JULIO CASTILLA,

Plaintiff,

v.

RONALD VAN BOENING, et al.,

Defendants.

CASE NO. C10-5684RJB/JRC

ORDER DENYING PLAINTIFF'S
REQUEST FOR APPOINTMENT OF
COUNSEL

This civil rights action has been referred to United States Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(A) and 636 (b)(1)(B), and Local Magistrate Judge's Rule MJR3 and MJR4. The matter is before the court on plaintiff's motion for appointment of counsel (ECF No. 9).

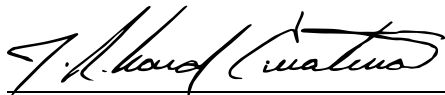
There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the court can request counsel to represent a party, 28 U.S.C. § 1915(e) (1), the court may do so only in exceptional circumstances. Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe, 616

1 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both
2 the likelihood of success on the merits and the ability of the plaintiff to articulate his claims pro
3 se in light of the complexity of the legal issues involved. Wilborn, 789 F.2d at 1331.

4 Plaintiff has demonstrated an adequate ability to articulate his claims pro se and has not
5 made an argument regarding the likelihood of success on the merits. While he mentions an
6 alleged language barrier, the pleadings to date have been understandable. According, the
7 motion, (ECF No. 9), is **DENIED**.

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9 The Clerk's office is directed to send a copy of this order to plaintiff.

10 DATED this 6th day of December, 2010.

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13 J. Richard Creatura
14 United States Magistrate Judge
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